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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/798,115

03/10/2004

Joseph M. Asher

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06/14/2006

BAKER BOTTS L.L.P.  
2001 ROSS AVENUE  
SUITE 600  
DALLAS, TX 75201-2980

EXAMINER

PANDYA, SUNIT

ART UNIT

PAPER NUMBER

3714

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/798,115	<b>Applicant(s)</b> ASHER ET AL.	
	<b>Examiner</b> Sunit Pandya	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 March 2004.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## **DETAILED ACTION**

### ***Oath/Declaration***

Acknowledgment is made of applicant's Oath/Declaration meets the standard required by 35 U.S.C. 25 & 115.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Brenner et al.

Claim 1: Brenner et al. discloses a wagering facility communicably coupled with a network and operable to:

Receive a bet on a wagering event (figure 1, element 128 and related description thereof), and transmit the bet to the second wagering facility via the network (0047 & 0048). Brenner et al. also disclose a clearinghouse communicably coupled with the network and operable to capture audit information associated with the bet (0047-0048).

Claim 2: Brenner et al. discloses a clearinghouse operable to store one or more contract parameters between the first and second wagering facility (0047).

Claim 3: Brenner et al. discloses receiving result of the wagering game (0049& 0096, figure 3, element 212), and determines a settlement between the first and the second wagering facilities based upon the result (0058, 0084, 0117 & 0118).

Claims 4 & 6: Brenner et al. discloses receiving a second bet on the wagering event hosted by the second wagering facility (118, wherein wagering facility accepts omni bets, superfectas and double-triple bets, which are constituted as a second bet on a wagering event) and transmitting the bet to the wagering facility via the network (0058). Brenner et al. also discloses clearinghouse operable to capture audit information associated with the second bet (0096 and figure 6, element 350, wherein the transaction history captures audit information associated with the bets).

Claim 5: Brenner et al. discloses storing contract parameters between the wagering facilities (0115, wherein the data that's being stored also includes different types of bets placed by the wagering facility), and determines a second settlement between the wagering facilities based on the result of the second bet (0116 & 0117).

Claim 7: Brenner et al. discloses a plurality of hubs, wherein each hub is associated with a wagering facility (figure 1, element 102, 104, 106 and 108 & 0047 which are totalisator which act as hub, wherein totalisator communicated between one another using data lines).

Claim 8: Brenner et al. discloses ~~one~~<sup>each</sup> of the hubs being clearinghouse (0047, wherein one of the totalisator performs same function as clearinghouse).

Claim 9: Brenner et al. discloses first wagering facility operable to receive the bet from a local betting terminal or third wagering facility (0058).

Claims 10, 25 & 31: Brenner et al. discloses a simulcast fees owed by the first wagering facility to the second wagering facility (0164).

Claims 11, 23 & 29: Brenner et al. discloses the audit information being a transaction identifier (0071), and also discloses terminal identifier (0073).

Claim 12: Brenner et al. discloses wagering facility transmitting the first bet separately from the second bet (0082, wherein the different bets are transmitted separately from each other).

Claims 13, 24 & 30: Brenner et al. discloses wagering event comprising a horse race (0048).

Claim 14: Brenner et al. discloses bet transmitted by the wagering facility to be encrypted and the clearinghouse to decrypt the bet to capture the audit <sup>information.</sup> (0058, *GCCT* discloses transmitting the information regarding wager placed from the facility to the clearinghouse, wherein all the information while being transmitted is converted into digital information (0's and 1's), and the information is converted back to non digital form while displayed by the clearinghouse).

Claim 15: Brenner et al. discloses storing account information of first wagering facility and second wagering facility and transfer funds between their accounts (0058, 0084 & 85).

Claims 16 & 28: Brenner et al. discloses clearinghouse further operable to initiate an Electronic Funds Transfer (EFT) transactions (0035).

Claim 17: Brenner et al. discloses transmitting the bet between the first wagering facility and second wagering facility in real time (0046).

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Claim 18: Brenner et al. discloses storing audit information in a log (0164, 0096 and figure 6, element 350, wherein the transaction history captures audit information associated with the bets).

Claim 19: Brenner et al. also discloses clearinghouse operable to capture audit information associated with the second bet (0096 and figure 6, element 350, wherein the transaction history captures audit information associated with the bets).

Claim 20: Brenner et al. also discloses clearinghouse operable to capture audit information associated with the bet (0096 and figure 6, element 350, wherein the transaction history captures audit information associated with the bets), and receive copy of the bet from the wagering facility (0079).

Claims 21 & 26: Brenner et al. discloses memory for storing contract parameters including audit information associated with bet placed (0103, wherein all the transactional information is stored in memory device in user terminal). Brenner et al. also discloses receiving result of the wagering event (figure 3, step 212 & 0096), and determine the settlement (0058, 0084, 0117 & 0118).

Claims 22 & 27: Brenner et al. discloses storing account information for first wagering facility and second wagering facility (0061 & 103 and figures 1&2). Brenner et al. also discloses a processor (0057), which could be used to transfer funds between accounts (0058, 0084 & 85).

### ***Conclusion***

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please see the attached References Cited page.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunit Pandya whose telephone number is (571) 272-2823. The examiner can normally be reached on M - F: 7:30 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert OLSZEWSKI can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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**CORBETT B. COBURN**  
**PRIMARY EXAMINER**